

IN THE CLAIMS

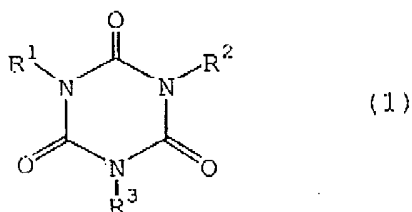
Please amend the claims to read as follows:

Listing of Claims

1. (Currently Amended) A non-aqueous electrolyte battery comprising:

a positive electrode,  
a negative electrode, and

a non-aqueous electrolyte comprising an electrolyte salt dissolved in an organic solvent, wherein the non-aqueous electrolyte comprises a compound represented by the following formula (1):



wherein in the above formula (1), each of R<sup>1</sup>, R<sup>2</sup> and R<sup>3</sup> are independently selected from the group consisting of a hydrogen atom, a halogen atom and a straight chain or branched chain alkyl group, wherein said compound ~~decomposes and forms a film on a surface of said negative electrode when said battery is charged and said compound further comprises a carboxyl group~~ forms a film on a surface of said negative electrode; and wherein at least one of R<sup>1</sup>, R<sup>2</sup> or R<sup>3</sup> is a straight chain alkyl group containing a carboxyl group or a branched chain alkyl group containing a carboxyl group.

2. (Currently Amended) A non-aqueous electrolyte battery according to claim 1, wherein said compound is at least one compound selected from the group consisting of

tris(2-carboxyethyl) isocyanurate ~~and derivatives thereof.~~

3. (Original) A non-aqueous electrolyte battery according to claim 1, wherein said compound is tris(2-methoxycarboxyethyl) isocyanurate.

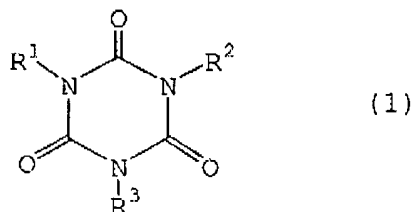
4. (Original) A non-aqueous electrolyte battery according to claim 1, wherein said organic solvent is at least one organic compound selected from the group consisting of carbonic acid esters, cyclic carboxylic acid esters and phosphoric acid esters.

5. (Original) A non-aqueous electrolyte battery according to claim 1, wherein the content of the compound is not less than 0.01% by weight and less than 20% by weight based on the weight of the non-aqueous electrolyte.

6. (Original) A non-aqueous electrolyte battery according to claim 1, wherein the negative electrode comprises a carbon material.

7. (Original) A non-aqueous electrolyte battery according to claim 6, wherein the carbon material is a graphitized mesophase spherule.

8. (Currently Amended) A non-aqueous electrolyte comprising an organic solvent and an electrolyte salt, wherein the non-aqueous electrolyte comprises a compound represented by the following formula (1):



wherein in the above formula (1), each of  $R^1$ ,  $R^2$  and  $R^3$  are independently selected from the group consisting of a hydrogen atom, a halogen atom and or a straight chain or branched chain alkyl group, wherein when said compound is added to a the electrolyte, ~~said compound decomposes and forms a film on a surface of the negative electrode when battery containing said compound is charged, and said compound further comprises a~~ carboxyl group forms a film; and wherein at least one of  $R^1$ ,  $R^2$  or  $R^3$  is a straight chain alkyl group containing a carboxyl group or a branched chain alkyl group containing a carboxyl group.

9. (Currently Amended) A non-aqueous electrolyte according to claim 8, wherein said compound is at least one compound selected from the group consisting of ~~tris(2-carboxyethyl) isocyanurate and derivatives thereof.~~

10. (Original) A non-aqueous electrolyte according to claim 8, wherein said compound is tris(2-methoxycarboxyethyl) isocyanurate.

11. (Original) A non-aqueous electrolyte according to claim 8, wherein said organic solvent is at least one organic compound selected from the group consisting of carbonic acid esters, cyclic carboxylic acid esters and phosphoric acid esters.

12. (Original) A non-aqueous electrolyte according to claim 8, wherein the content of the compound is not less than 0.01% by weight and less than 20% by weight based on the weight of the non-aqueous electrolyte.

13-24. (Cancelled)